

REMARKS

Claims 1-8 and 24-39 are pending in the current application. Claims 9-23 have been cancelled as shown above and undersigned reserves the right to file in divisional applications. Claims 24-39 have been added. The claims have been addressed as follows in the non-final Office Action: claims 1-6 and 8 are rejected under 35 USC 103(a) as being unpatentable over Bermbach in view of Adams et al. and claim 7 is similarly rejected over Bermbach in view of Adams et al. and further in view of Kubierschky.

Additionally, the Office has stated in paragraph 6 of the Office Action that the information disclosure statements filed on April 8, 2004, May 17, 2004, January 11, 2005 and June 29, 2005 fail to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP 609 because some of the references do not contain a date of publication, or a statement that the references constitute prior art. We note that ALL of the references listed in the identified information disclosure statements, including those cross-out, were considered and initialed by the Examiner assigned to the present application in the parent application no. 09/925,009 (and for some references, the grandparent application now US Patent No. 6,507,025). We further note that according to MPEP § 609.02(A)(2):

The examiner will consider information which has been considered by the Office in a parent application when examining (A) a continuation application filed under 37 CFR 1.53(b) (B) a divisional application filed under 37 CFR 1.53(b) or (C) a continuation-in-part application filed under 37 CFR 1.53(b). A listing of the information need not be resubmitted in the continuing application unless the applicant desires the information to be printed on the patent.

Accordingly, we note that the cited references were necessarily considered in this case. Further, the undersigned also notes that there is no requirement for “a statement that the references constitute prior art.” In fact, the MPEP clearly states that there is no such requirement in § 609, “There is no requirement that the information must be prior art references in order to be considered by the examiner.” The undersigned is re-submitting herewith an information disclosure statement that includes, *inter alia*, the crossed-out references with date

information where available. The undersigned respectfully requests that the Examiner initial each reference on the information disclosure statement.

The undersigned requests reconsideration of the rejections from the non-final Office Action in view of the remarks below. Additional claims 24-39 contain the limitations of claim 1 and are submitted to be allowable for at least the reasons stated below.

Rejection of Claims 1-6 and 8 under 35 USC 103(a) in View of Bermbach and Adams et al.

Independent claim 1 includes the following language:

A target object inspection system comprising:

- a first detector for detecting radiation from a radiation source;
- a second detector for detecting radiation from the target object;
- a mobile platform including the first detector, the second detector and the radiation source; and
- a boom connected to the radiation source and the mobile platform, wherein the boom is deployed so as to effect passage of the target object between the radiation source and the first and second detectors.

Initially, the undersigned submits that neither Bermbach, Adams or the combination thereof teach or suggest “a boom connected to the radiation source and the mobile platform, wherein the boom is deployed so as to effect passage of the target object between the radiation source and the first and second detectors.” Specifically, a boom has been given a specific definition and description as set forth in the specification and in the drawings. For example, referring to the specification, specifically paragraphs [0111] and [0112]:

Referring next to FIG. 3A, a mobile, uniplatformed, vehicle inspection system (mobile system) 300' is shown wherein both a radiation source 18' and a linear detector array 14' are mounted on only one mobile platform, such as a truck, and

are deployed using a controllable source boom (source boom) 310' to effect the proper spacing for passage of a fast-moving or stationary target 10 therebetween.

The mobile system ("mobile system") 300' comprises a truck 16'; the radiation source 18' suspended at the end of the controllable source boom 310' that is coupled to the truck 16'; and the linear detector array 14' also coupled to the truck 16'. The source boom 310' is long enough such that when it is deployed, the radiation source 18' and the linear detector array 14', are sufficiently laterally spaced so as to allow for the passage of the fast-moving target 10 therethrough.

Referring to Bermbach, the "articulation 9" which is described as a means for pivoting the "radiation generator 8" around an "axis 10" does not describe the claimed boom configuration. The "articulation 9" is NOT described or shown as having a deployed and thus inherently, an undeployed, state. Further, irregardless of the state of the articulation 9, the "radiation generator 8" is always shown as being separated from the "radiation detector 13" such that a container or vehicle can pass therebetween. Accordingly, Bermbach does not describe "a boom connected to the radiation source and the mobile platform, wherein the boom is deployed so as to effect passage of the target object between the radiation source and the first and second detectors."

Further, and as admitted by the Office, Bermbach does not teach or suggest a second detector for detecting radiation from the target object. The Office cites to Adams as teaching the deficiencies of Bermbach and as providing the motivation to one skilled in the art to combine Bermbach and Adams to reach the claimed invention. Initially, the undersigned notes that the system described in Adams actually teaches away from the system described in the claims. In paragraphs [0003] and [0004], Adams unequivocally states the current technology (as compared to that described by Adams): "requires that inspected objects or people either be moved through an inspection system or interposed between a proximal examining component and a distal examining component, one including a source and the other including a detector." And that the system of Adams does not impose the requirements or constraints of the current systems. Accordingly, the undersigned fails to see how it would be obvious to one skilled in the art to

combine the teachings of Bermbach and Adams when they are admittedly directed to different systems.

Referring to paragraphs [0002]-[0004] and [0007], the Office cites Adams as teaching “active target inspection including a radiation source and passive sensing of radioactive or fissile material.” While these paragraphs briefly mention detection of radioactive or fissile material from the target under inspection, there is no description or enablement of this type of detection in conjunction with the active scanning system of the claims. This is not surprising as Adams makes clear that the system being described is not of the general type to which the claims are directed. The mere suggestion that it would be nice to do both passive and active scanning does not equate to the required enablement.

Accordingly, the undersigned submits that the combination of Bermbach and Adams fails to teach each of the limitations of the claims and even assuming, *arguendo*, that the limitations are taught by the combination, there is no motivation to combine the teachings as Adams teaches away from the general system type upon which the claimed system is premised. The undersigned respectfully submits that claims 1-6 and 8 are allowable over the cited art.

Rejection of Claim 7 under 35 USC 103(a) in View of Bermbach, Adams et al. and Kubierschky

For the reasons stated above with respect to independent claim 1, the undersigned submits that dependent claim 7 is also allowable.

CONCLUSION

The undersigned submits that claims 1-8 and 24-39 are allowable over the cited art for the reasons set forth herein and awaits a notice of allowance to this effect. Should the Office have additional questions which would facilitate efficient prosecution of this application, please do not hesitate to contact undersigned at the number provided below.

Respectfully submitted,

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